

INITIAL STATEMENT OF REASONS:

The California Department of Corrections (CDC) proposes to amend and/or adopt the following sections of the California Code of Regulations, Title 15. These sections apply to the Inmate Classification Score System. The inmate classification score, as part of the overall classification system for inmates, is the primary objective factor used to determine the most appropriate security level for each inmate. Correctional Counselors calculate and periodically adjust the classification score for each inmate through the use of a series of classification score forms.

The Legislature directed the CDC to conduct a research project per the Supplemental Report of the 1998 Budget Act, Item 5240-001-0001, Number 4, entitled, "Inmate Classification Pilot Project" to test revised classification score forms and determine whether or not the revised score forms result in an improved system. The pilot project was implemented on November 1, 1998. For a period of six months, all newly committed felons were selected for participation in the project. The number of inmates selected during this six-month period was 21,734. The design and implementation of the multi-year research study was conducted with the assistance of Richard A. Berk, Ph.D., University of California, Los Angeles, Statistical Consulting Center.

The proposed changes to the Inmate Classification Score System are being made as a result of the findings of the Violent Felon Identification Program (formerly known as the Classification Pilot Project). This pilot program tested revisions to the Inmate Classification Score System to determine whether or not the revised classification score forms are more effective in predicting an inmate's potential for future misconduct in prison.

The revisions made to the classification score forms and the improvements made to the Inmate Classification Score System are described in the Report to the Legislature dated December 1, 1999. Dr. Berk has since provided information that affirms that the revised score factors on the initial CDC Classification Score Sheet, CDC Form 839, are more effective in predicting the propensity for misconduct at initial placement.

The revised direction for completion of CDC Form 128-G, Classification Chrono, reduces workload associated with duplicative classification documentation. It is necessary to include these amendments to clarify the documentation requirements for actions related to all Classification Committee documentation, transfer reviews, all Classification Committee hearings involving inmates treated under the Mental Health Services Delivery System (MHSDS), regardless of housing, and initial classification review at any given institution.

The CDC has a compelling urgency to protect its staff and inmates as well as to prevent inmate violence. Although the Inmate Classification Score System is validated and found to work well to sort inmates according to the likelihood of becoming involved in misconduct during incarceration, small improvements in the system are possible. The CDC conducted computer-simulated testing of several configurations of classification forms using a variety of variables. Furthermore, CDC managed a 24-month clinical trial to confirm the usefulness and clarity of the regulatory changes, the impact on prison population distribution, and the implication of inmate placement on inmate misconduct. Implementation of minor, but critical, regulatory changes shall provide the tools to increase the effectiveness of initial placement while maintaining fundamental fairness and objectivity. The proposed regulatory changes shall also establish Mandatory Minimum Score Factors, reduce the weight reflective of term

length, initiate new and revised classification score forms to maximize ease of application to ensure accuracy, and shall clarify placement criteria. It is crucial that CDC utilize the research findings to update, clarify, and further improve the Inmate Classification Score System.

The words "classification score" have been replaced with "placement score" throughout the entire text in order to be consistent with the revisions to the inmate classification score forms. In addition "classification level" has been replaced with "security level" throughout the entire text. This language is amended to reflect the current use of "security level" as it relates to the differences in the physical plant of institutions within the Department. In addition, "classification level" is no longer the term used statewide to define levels of security for institutions.

Section 3375 Classification Process is amended.

Subsection 3375(a) is unchanged.

Subsection 3375(b) is amended to clarify the Department's goals in the classification process.

Subsection 3375(c) is unchanged.

Subsection 3375(d) is amended to replace the word "classification" with "placement" for the reasons previously mentioned.

Subsection 3375(e) is unchanged.

Subsection 3375(f)(1)(A) is amended to include "security" and replace the word "classification" with "placement" for the reasons previously mentioned.

Subsection 3375(f)(1)(B) through (f)(1)(E) are unchanged.

Subsection 3375(f)(1)(F) is amended to include "receipt of new information that may affect staff, inmates, the public or the safety and security of the institution/facility." This amendment will align this language with current departmental policy. The receipt of new critical case information may require that an inmate be transferred involuntarily when it affects the inmate's case factors to the degree that the inmate's housing is no longer consistent with safety and security. The word "their" is amended to "his or her" to be grammatically correct, "placement score" replaces "classification score" for the reasons noted above, and "security" level replaces "classification" level to be consistent with the changes proposed in Section 3377.

Subsection 3375(f)(1)(G) is adopted to include an updated description of housing and program options that may occur. There are circumstances in which various levels of security have been designated within the same housing location. This language is adopted to include those housing situations that are to be considered "adverse effect."

Subsections 3375(f)(2) through (f)(4) are unchanged.

Subsection 3375(f)(5) is amended to delete the requirement to provide a copy of the proposed classification score sheet 72 hours prior to a classification committee hearing. Per

Subsection 3375(f)(1), written notice shall already have been provided to the inmate at least 72 hours in advance of a hearing which could result in an adverse effect. Providing a copy of the proposed classification score sheet in effect does not provide the inmate with a record of the final committee action/decision. The proposed copy does not reflect the final decision regarding the inmate's placement. The score sheet is a tool provided to the committee to assist in the committee's decision. It is appropriate, therefore, to provide the inmate with a copy of the score sheet at the completion of the committee hearing. The exception is for those cases that result in a committee action that refers the inmate's case to the Classification Staff Representative (CSR) or Classification and Parole Representative (C&PR). When the action of the CSR or C&PR has been recorded on the score sheet, the inmate will be provided a copy of the score sheet that includes that action.

Subsection 3375(f)(6) and (f)(7) are unchanged.

Subsection 3375(g)(1) was renumbered from existing language from the initial paragraph in 3375(g) and is amended to make some nonsubstantive changes to clarify and improve the ease of reading.

Subsections 3375(g)(1)(A) through (g)(1)(C) are renumbered from (g)(1) through (3) and are amended to remove the word "committee," add the word "decision," and remove "taken," to further clarify that the purpose for the hearing is to specify the reasons for each decision or action made.

Subsections 3375(g)(1)(D) through (g)(1)(F) are adopted to include the inmate's preference and reasons for that preference along with his/her agreement or disagreement with the committee action. In addition, this adoption allows, if necessary, for the use of any reasonable accommodations to ensure effective communication. The adoption also provides for documentation of a committee member's opinion, which during discussion of a decision or basis of a decision, may differ from the committee's decision.

Subsections 3375(g)(1)(G) and (g)(1)(H) are renumbered from existing subsections 3375(g)(4) and (g)(5) and are amended to include "the omission of," and to remove the words "provided inmates," and "being denied or the fact that the inmate waived any safeguards" in order to clarify the classification documentation requirements related to classification committee documents. In addition, we have made some nonsubstantive changes to clarify and improve the ease of reading.

New subsections 3375(g)(1)(I) through (L) are renumbered from existing subsections 3375(g)(6), (7), (8) and (9) respectively and are unchanged.

Subsection 3375(g)(2) is adopted to direct staff as to what information is mandated in the transfer Classification Chrono, in addition to the documentation required in all Classification Chronos which include: the inmate's requested transfer preference and reason, the institution to which the committee recommends transfer with an alternate recommendation and reasons, in addition to a statement of the inmate's work group upon transfer based on adverse or non-adverse transfer circumstances.

Subsection 3375(g)(3) is adopted to require a clinician to be present at committee meetings for Enhanced Outpatient Program inmates and those housed in a Mental Health Crisis Bed. This section also directs staff as to what information is mandated in the Classification Chronos when the inmate is treated under the MHSDS.

Subsection 3375(g)(4) is adopted to direct staff as to what information is mandated in the Classification Chronos when the inmate is treated under the MHSDS which includes a clinical assessment of the inmate's likelihood of decompensation if retained in segregated housing, and a summary of information provided by the clinician when an actively decompensating mentally ill inmate is recommended for transfer to a mental health program, and the decision of the committee is to retain the inmate in segregated housing

New subsections 3375(g)(5) through (g)(5)(D) are renumbered from existing subsections 3375(g)(10) through (g)(10)(D) respectively and amended to include removal of the requirement to document the inmate's next regularly scheduled classification review. This date is controlled by regulations and documentation in this Classification Chrono is unnecessary workload. This amendment also includes full case factors in the initial classification review at each institution; modifications include the inmate's date of birth rather than the inmate's age at the time of review. This change provides staff with more precise information as to the inmate's current, as well as prior age. These changes also include any parole revocation offenses resulting in good cause findings if the inmate is a parole violator. These changes are necessary for clarification with regards to the commitment offenses included on this form.

Subsection 3375(g)(5)(F) is renumbered from existing subsection 3375(g)(10)(E) and is amended to include when the inmate was received by the Department "for the current incarceration" for clarity.

Subsection 3375(g)(5)(G) is adopted to include the county of last legal residence, which is necessary for parole planning.

Subsections 3375(g)(5)(H) through (g)(5)(L) are renumbered from existing subsections 3375(g)(10)(F) through (g)(10)(J) respectively and amended to include the reason the inmate was transferred to the current location along with some minor changes for clarification. This helps staff identify program issues and future transfer concerns.

Subsections 3375(g)(5)(N) and (g)(5)(O) are renumbered from existing subsections 3375(g)(10)(K) and (g)(10)(L) and amended. Staff are required to document a determination of the suitability of the inmate's current housing assignment, his or her Developmental Disability Placement assessment designation, and his or her required reasonable accommodations.

Subsections 3375(g)(5)(P) and (g)(5)(Q) are renumbered from existing subsections 3375(g)(10)(N) and (g)(10)(O) and are unchanged.

Subsection 3375(g)(5)(R) is renumbered from existing subsection 3375(g)(10)(P) and amended to include "disability" concerns.

Existing subsections 3375(g)(4) through (g)(9) were relocated to new subsections 3375(g)(1)(I) through (g)(1)(L) respectively.

Existing subsections 3375(g)(10) through (g)(10)(U) are repealed.

Subsection 3375(h) is unchanged.

Subsection 3375(i) is amended to spell out the abbreviation for CSR. In addition, this amendment makes language less restrictive and allows for designated staff to expedite placement.

Subsection 3375(j) through 3375(j)(3) are amended to include the CDC Form 839 title "CDC Classification Score Sheet" and a new revision date of. 07/02.

Subsection 3375(j)(4) is amended to replace "classification" and include the word "security" for reasons mentioned previously.

Subsection 3375(k) is amended to include the CDC Form 840 title "CDC Reclassification Score Sheet," a new revision date of 07/02, and to replace "classification" for reasons mentioned previously.

Subsection 3375(k)(1)(A) is amended to redefine the method of determining an inmate's annual review period. This new rule was tested in the pilot project and found to provide consistency in identifying review periods. The new rule also allows for an inmate to begin earning favorable behavior points immediately upon reception.

Subsection 3375(k)(1)(B) is amended to clarify language relative to granting favorable behavior points. The word "credit" is replaced with "points." This factor gets confused with the word "credit" in the work incentive program. During the course of the pilot program, staff confused "favorable credit" with "work incentive credit." The score form language was developed in 1980 and the Work Incentive Law was passed in 1983. The word "points" will be an acceptable change that will provide clarification to staff and inmates. "Classification" level is replaced by "security" level for the reasons cited.

Subsection 3375(k)(1)(C) is unchanged.

Subsection 3375(k)(2) is amended to include that a CDC Form 841, CDC Readmission Score Sheet, shall be completed pursuant to Section 3375.5 as part of the readmission process when a parolee is returned to prison because this new readmission form to be used for this purpose. A parolee who is returned to prison will no longer be scored on a CDC Form 840.

Section 3375.1 Inmate Placement is amended.

Classification score has been replaced with "placement score" throughout the entire text in order to be consistent with the revisions to the Inmate Classification Score forms. In addition, "classification" level has been replaced with "security" level throughout the entire text. This language is amended to reflect the current use of "security level" as it relates to the differences in the physical plant of institutions within the Department. "Classification level" is not the term used statewide to define levels of security for institutions.

Section 3375.2 Administrative Determinants is amended:

"Classification" score has been replaced with "placement" score throughout the entire text in order to be consistent with the revisions to the Inmate Classification Score forms. In addition, "classification" level has been replaced with "security" level throughout the entire text. This language is amended to reflect the current use of "security level" as it relates to the

differences in the physical plant of institutions within the Department. "Classification level" is not the term used statewide to define levels of security for institutions. In addition, "his/her" now replaces "their" for grammatical clarity.

Section 3375.2(b) is amended to include the above-mentioned changes in addition to adding, "irregular placement conditions know as administrative [determinants]." This language has been added to clarify that administrative determinants fall under the irregular placement section of all the classification score sheets.

Section 3375.3 CDC Classification Score Sheet, CDC Form 839, Calculation is amended: Score factors that have been deleted are: Marital Status, Employment History, Education Background, Military Service, Escape, and Minimum Custody, Dorm Living, and Average or Above Program during the previous 12 months of incarceration. These score factors are not predictive of future misconduct in prison.

Subsection 3375.3(a) is amended to include corresponding box numbers for the CDC Form 839.

Subsection 3375.3(a)(1) is adopted to include age at first arrest as a score factor used in calculating an inmate's score on the CDC Form 839. This factor was determined to be very effective in predicting the potential for future misconduct in prison.

New subsection 3375.3(a)(2) is adopted to define the score factor "Age at Reception" used in calculating an inmate's score on the CDC Form 839. The pilot project tested the UCLA finding that the younger the inmate, the higher risk of future in-custody misconduct. Therefore the Age at Reception factor was modified to include a scale of age. This factor was determined to be effective in predicting potential for future misconduct in prison.

New subsections 3375.3(a)(3) and (a)(3)(A) is renumbered from existing subsections (a)(1) and (a)(1)(A) and are amended to include the correlating box numbers and to state that the maximum number of points to be applied for this factor is 50. This change was made to include the maximum number of points so that an inmate who is serving a lengthy term, absent other case factors that indicate a propensity for violence, (e.g., a "Third Striker," no murder case, sentenced to 25 years to life), could be considered for placement in Level III housing from the reception center.

New subsection 3375.3(a)(3)(B) is renumbered from existing subsection (a)(1)(B) and is amended to redefine the value of the term in years. The existing system has been criticized for giving too much weight to the length of sentence without regard to the inmate's behavior. The weight given to the term in years has been reduced to two points per year. Dr. Berk's analysis substantiates that "the association between misconduct and length of sentence is weak, after accounting for other background items such as age."

Subsections 3375.3(a)(3)(B) 1. through (a)(3)(B) 4. are adopted to include explanatory language to properly apply these values in addition to include that if the score is more than 50, then 50 shall be used as the final term score. For the reasons previously cited.

Subsection 3375.3(a)(4) is adopted to include Street Gang/Disruptive Group as a score factor used in calculating an inmate's score on the CDC Form 839, Classification Score Sheet.

This factor was determined to be effective in predicting potential for future misconduct in prison.

Subsection 3375.3(a)(4)(A) is adopted to include a list of codes for a counseling staff to use when documenting the type of street gang or disruptive group that most closely identifies the inmate's gang.

Subsection 3375.3(a)(4)(B) is adopted to include a list of codes for a counseling staff to use when documenting the method that was used to identify the inmate as being involved in gang activity. The ten methods of verification listed are currently in the California Code of Regulations (CCR) Section 3378. It is important that the inmate not be identified as a gang member just because he or she is from a particular part of the State or from a county known for gang activity. The codes provide for a consistent method of identification to assure that the inmate is not misidentified.

Subsection 3375.3(a)(5) is adopted to include the diagnosis of a mental illness during the Reception Center processing as a score factor used in calculating an inmate's score on the CDC Form 839. This factor was determined to be effective in predicting an inmate's propensity towards future misconduct in prison.

Subsection 3375.3(a)(5)(A) is adopted to assure that the points assessed for mental illness are not applied for an inmate who has been designated Medical Necessity. The MHSDS is clear that although the inmate may be included in the MHSDS, that the condition is considered situational and temporary.

Subsection 3375.3(a)(5)(B) is adopted to include documentation of the level of care assigned to the inmate who is assigned to the MHSDS. This is included to track the status of the inmate when undergoing reception center processing.

Subsection 3375.3(a)(6) is adopted to include Prior Sentences Served as a score factor used in calculating an inmate's score on the CDC Form 839. This factor was determined to be effective in predicting potential for future misconduct in prison. In addition, when the objective score system was first implemented in 1980; it included a variable that assessed points for Prior Sentences Served. In 1986, this score factor was deleted and a score factor, Undocumented Prior Incarcerations, was substituted to assess points when behavior during a prior incarceration is unknown. This score factor will replace the score factor identified in subsections 3375.3(b)(4)(A) through (C). The rules of application are the same as those used in the original language, but condensed for clarity.

Subsection 3375.3(a)(7) is adopted to include prior incarcerations as a score factor used in calculating an inmate's score on the CDC Form 839. This changes the process of making corrections to the CDC Form 839 subsequent to endorsement. The total value of the corrections is entered in the score adjustment area instead of correcting the total score on the CDC Form 839. This solves the issue that currently exists in changing the total score that affects the database. For the database, changing the total score "changes history." Because the endorsement is made as a result of the original score, the corrected score may reflect a different security level and therefore make the endorsement look "wrong" in the database.

Subsection 3375.3(a)(8) is adopted to define score adjustment. The new score adjustment area was created to account for the total value (whether positive or negative) of all corrections that had to be made on prior score sheets. Instead of the labor-intensive method that is used in the current score system, a new method was created that allows the counseling staff to total the points and enter them in the boxes provided. That score is then included in the total score. The current system requires one correction document to be prepared for each correction. For example, if a correction is made to a score sheet, but five score sheets were prepared since that time, then a total of six correction documents must be prepared. Not only is the current process very time consuming, labor intensive and lends itself to create more errors, these corrections also "change history" in the database. Changing history, in effect, paints a false picture of what occurred at that point in time. The primary purpose of the correction is to record the correct total score for the inmate. The new score adjustment process does that.

Existing subsection 3375.3(a)(2) is repealed. Our study conducted by Dr. Berk has determined that this score factor is not predictive of future misconduct in prison.

Existing subsection 3375.3(a)(3) is repealed. Our study conducted by Dr. Berk has determined that this score factor is not predictive of future misconduct in prison.

Subsection 3375.3(b) is amended to include new correlating box numbers.

Subsection 3375.3(b)(1) is repealed, as this rule is no longer applicable.

New subsection 3375.3(b)(1) is renumbered from 3375.3(b)(1)(A) and is amended to clarify the rule for identifying and determining the "last 12 consecutive months in custody."

Existing subsection 3375.3(b)(2) is renumbered to new subsection 3375.3(b)(4).

Subsection 3375.3(b)(2) is adopted to define, for consistency and clarity, the terms "12 months" and "one month" when applying the rule noted above. Prior county jail sentences and total prior incarceration time is easier to calculate using these definitions. Using a "30-day month" for purposes of calculating incarceration time is also consistent with CCR Section 3341.5 "SHU Time Computation Table" which states: "NOTE: For purposes of computing remainder days, 30 days constitutes a month."

Subsection 3375.3(b)(2)(A) is renumbered from 3375.3(b)(1)(B) and is amended to include a grammatical change.

Subsection 3375.3(b)(2)(B) renumbered from 3375.3(b)(1)(C) and is amended for clarity and to redefine the rule for application of favorable behavior points in this section which is, that four favorable points be granted if during an inmates prior incarceration of 12 months or more there is no record of unfavorable prior behavior. The current system demands that there be documentation of prior "good" behavior before an inmate's score may be reduced during reception center processing. The reality of the situation is that jails and prisons do a much better job of documenting "bad" behavior; "good" behavior is rarely formally documented. Thus a conforming inmate is disadvantaged by a shortcoming of the system itself. To rectify this problem, absence of documentation of "bad" behavior while previously incarcerated will now be defined as "good" behavior and the incoming inmate's score will be reduced. The

change to the rule in this section was tested in the pilot project. Therefore, application of favorable points is assumed absent any documentation to the contrary.

Subsection 3375.3(b)(2)(B) 1. is renumbered from 3375.3(b)(1)(C) 1. and is amended to change the meaning of this sentence. The word "shall" is replaced by "may need to." If a counseling staff receives behavioral information for an inmate after the score is applied, it *may* change the score. The word "shall" is incorrect because the type and seriousness of the behavioral information received will determine whether or not the score will be affected.

Existing subsection 3375.3(b)(1)(C) 2. is repealed in order to redefine the rule for application of favorable behavior points in this section. The current system demands that there be documentation of prior "good" behavior before an inmate's score may be reduced during reception center processing. The reality of the situation is that jails and prisons do a much better job of documenting "bad" behavior; "good" behavior is rarely formally documented. Thus a conforming inmate is disadvantaged by a shortcoming of the system itself. To rectify this problem, absence of documentation of "bad" behavior while previously incarcerated will now be defined as "good" behavior and the incoming inmate's score will be reduced. The change to the rule in this section was tested in the pilot project. Therefore, application of favorable points is assumed absent any documentation to the contrary."

Subsections 3375.3(b)(3) and (b)(3)(A) are amended to redefine the rule for applying favorable points for the last 12 months of incarceration for the reasons cited above in subsection 3375.3(b)(1)(C). The word "credits" is replaced by "points" for the reasons noted above.

Subsections 3375.3(b)(3)(B) and (C) are repealed. The findings submitted by Dr. Berk indicate that the score factors described in the section do not have any value in predicting future misconduct. The factor related to "Dorm Living" was removed from the pilot project score forms as previous research showed that this factor was difficult to verify and apply fairly. In addition, pilot project results showed that the score factors for "Successfully completed at least 12 months (or 4 months) of minimum custody in last incarceration(s)" and "Average or above performance in work, school, or vocational program for last incarcerated year" were unrelated to an inmate's initial placement in 99.97 percent of the pilot cases. Dr. Berk's analysis supports the elimination of these factors from the CDC Form 839.

New subsection 3375.3(b)(4) is renumbered from 3375.3(b)(2) and is amended to clarify the rules of application for Unfavorable Prior Behavior. This proposed language does not change the rules of application for this score factor. During the pilot project, it became clear that the language in this section was unclear. Staff were having a difficult time understanding the parameters of when and how to apply the points for "Unfavorable Prior Behavior" if the behavior occurred outside of a 12-month period. The language on the score form says, "Serious disciplinarys last incarcerated year," and staff assumed that *any and all* serious disciplinarys that occurred outside of the last incarcerated year could not be counted. However, the intent of the current regulations is to allow for "assessment of points under more than one factor." This proposed language is intended to clarify that intent.

Subsection 3375.3(b)(4)(A) is renumbered from 3375.3(b)(2)(A) and is amended to provide clarifying language.

Existing subsection 3375.3(b)(2)(B) is repealed. The score factor for Escape has been shown to be ineffective in predicting in-custody misconduct and is therefore being deleted. Because the incidence of escape is so rare, its correlation to future in-custody misconduct could not be established. For this reason, score factors related to Escape are deleted. The Mandatory Minimum Process and the Administrative Determinant process is used to prevent the recurrence of escape behavior.

New subsections 3375.3(b)(4)(B) is renumbered from 3375.3(b)(2)(C) and is amended to provide consistency. Language used to apply unfavorable behavior points must be consistent with the language that is used in defining serious disciplinary behavior per Section 3323(d)(1) and (2) and Section 3323 (f)(8). Section 3323 describes serious behavior as "battery" or "attempted battery." The unfavorable behavior points assessed for this behavior must accurately describe it. Therefore, the term "battery" replaces "physical assault" in this subsection.

Subsection 3375.3(b)(2)(C)(2.) is repealed. Replacing "physical assault" with the word "battery" for the reasons cited above renders this language untrue. To try to further define this behavior is unnecessary.

Subsection 3375.3(b)(4)(C) is renumbered from 3375.3(b)(2)(D) and is amended to replace "physical assault" with "battery" for consistency.

Subsection 3375.3(b)(4)(D) is renumbered from 3375.3(b)(2)(E) and is amended to provide consistency. Language used to apply unfavorable behavior points must be consistent with the language that is used in defining serious disciplinary behavior per Section 3323. The language "smuggling or trafficking drugs" has been changed in Section 3323 and now describes this type of serious disciplinary behavior as "distribution of any controlled substance" in an institution/facility or contract health facility. Therefore, the language "distribution of any controlled substance" replaces "smuggling or trafficking drugs."

Subsection 3375.3(b)(4)(E) is renumbered from 3375.3(b)(2)(F) and is amended to include language to be consistent with language in subsection 3323, in defining "possession or manufacture of a deadly weapon." This type of instrument, if found in a special program housing unit, is considered a weapon and not authorized possession of materials. In addition, this section has been amended to include corresponding form box numbers.

Subsection 3375.3(b)(4)(F) is renumbered from 3375.3(b)(2)(G) and is amended to include corresponding form box numbers.

Subsection 3375.3(b)(4)(G) is renumbered from 3375.3(b)(2)(H) and is amended to replace "assault" with "battery" for the reasons cited above in addition to some grammatical changes.

Existing subsection 3375.3(b)(4) is repealed with the aforementioned subsections describing the score factor "Prior Sentences Served" for the reasons previously cited.

Subsection 3375.3(c) title is adopted to include the heading "Preliminary Score" which identifies the name of the score on the score form in addition to the corresponding box numbers on the form.

Subsection 3375.3(c)(1) is renumbered from 3375.3 first paragraph and is amended to provide clarity in calculating the total score. "Preliminary" replaces "classification" score.

Subsection 3375.3(c)(2) is adopted to include that the score is right-hand justified.

Subsection 3375.3(c)(3) is relocated from the last paragraph of 3375.3(c)(1) and is amended to include some grammatical changes for ease of reading.

Existing subsection 3375.3(d) is renumbered to subsection 3375.3(f).

Subsection 3375.3(d) is adopted to define when and how the Mandatory Minimum Score is applied to an inmate's score. The addition of the Mandatory Minimum Score process to the Inmate Classification Score System ensures that the Placement Score for an inmate with specific case factors will not fall below the threshold for the necessarily secure level. In the current classification score system, classification score alone does not dictate the security level to which an inmate will be assigned. Case factors may require placement inconsistent with the inmate's classification score. This is an Administrative Placement ("override" or "out-of-level placement") as described in Section 3375.2. The Mandatory Minimum Score process was tested in the pilot project and found to be effective in reducing the number of specific, permanent Administrative Placement codes applied to the inmates in the pilot project. This new procedure changes the way that some Administrative Placements are characterized, but does not alter the placement of any individual inmate.

Subsection 3375.3(e) is adopted to define the placement score as it relates to an inmate's placement within the Inmate Classification Score System. The placement score will be the score calculated from the inmate's Background Factors and the inmate's Prior Incarceration Behavior unless a Mandatory Minimum Score Factor has been applied that requires placement at a higher security level. The Placement Score will be the score that is used by the endorsing authority to determine an inmate's housing within the Department.

Subsection 3375.3(f) is renumbered from existing subsection 3375.3(d) and is amended to spell out Classification Staff Representative (CSR).

Subsection 3375.3(d)(1) is repealed. This instruction is no longer correct.

Subsection 3375.3(f)(1) is renumbered from 3375.3(d)(1)(A) and is amended to clarify that it is the CSR that determines the appropriate housing for an inmate in keeping with departmental needs, safety and security. In addition this amendment is to replace "Total Classification Score" with "Placement Score" and update language regarding the role of the CSR.

Subsections 3375.3(d)(1)(B) and (d)(1)(B) 1. are repealed. The "controlling determinant" no longer applies.

Subsection 3375.3(f)(1)(A) is renumbered from 3375.3(d)(1)(B) 2. and is amended to include that up to five administrative determinants may be entered on the CDC form. In addition, this section is amended to include "security" level consistent with proposed changes per Section 3377 and "placement score" consistent with the reasons previously cited.

Subsection 3375.3(f)(1)(B) is renumbered from 3375.3(d)(2)(B) and is unchanged.

Subsection 3375.3(f)(2) is amended to replace “classification” with “placement” and “security” for reasons previously mentioned.

The following information shall also be recorded for each inmate on the CDC 839, Classification Score Sheet by casework staff:

- The Identifying Information section documents:
 - The inmate's last name, CDC number, the date the inmate was received in the department, and the reason for preparing the score sheet. This provides identification for the inmate's central file as well as the Classification Tracking System (CTS) database.
 - The inmate's county of last legal residence. This information is not currently automated. Penal Code Section 3003 requires that an inmate parole to his or her county of last legal residence instead of the county of commitment.
- Special Case Factors section documents
 - The status of a felony or United States Immigration and Naturalization Service (USINS) hold at the time of the committee decision.
 - A restricted custody suffix (or "R" suffix). This indicates the presence of a sex offense in the inmate's case factors.
 - Restitution Center eligibility status. This information is not currently automated. Documenting those inmates who are eligible for placement in a Restitution Center per Penal Code (PC) Section 6258.1 shall provide the department with the ability to generate reports to identify inmates who may be suitable for placement in a Restitution Center.
 - The caseworker's recommendation for placement of an inmate referred for Level IV housing. The caseworker shall indicate whether or not the inmate should be considered for exclusion from a 270-design Level IV institution, and placed in a 180-design Level IV institution, based on current departmental guidelines.
 - The inmate's response when asked if he or she has served in the US Military and was honorably discharged. The CDC is cooperating with the United States Department of Veterans Affairs (USDVA) in identifying persons who have honorably served our nation in the military. This is a one time only entry. The CDC is not required to verify or confirm the inmate's veteran status. Reports shall be provided to the USDVA for their use.
 - The inmate's current institution and facility, and the name of the caseworker preparing the score sheet.
- The Classification Staff Representative section documents factors regarding program eligibility for the purpose of population management and tracking:
 - The CSR or endorsing authority's last name and the date that the action is being taken.
 - The decision by the CSR to approve the inmate for housing in a 180-design Level IV institution and the reason supporting the decision.
 - The inmate's eligibility or ineligibility for placement in a Minimum Support Facility (MSF). When the inmate is not suitable for MSF placement, the reason shall be documented.
 - Whether an inmate who is eligible for placement in a Community Correctional Reentry Center (CCRC) wants to participate or not.

- The inmate's Developmental Disability Program status as noted on the most recent CDC 128-C-2
- The inmate's Disability Placement Program status as noted on the CDC Form 1845.
- The inmate's Level of Care in the Mental Health Services Delivery System (MHSDS) at the time of endorsement.
- The institution and/or program and security level approved for the inmate.

3375.4 CDC Reclassification Score Sheet, CDC Form 840, Calculation is amended.

The following subsection addresses Favorable Behavior Since Last Review and is renumbered from 3375.4(a) to 3375.4(b):

Subsection 3375.4(a) is renumbered from (b) and is amended to explain "Favorable Behavior Since Last Review" instead of "Unfavorable Behavior Since Last Review," in this section. For consistency, "Favorable Behavior" is considered and evaluated prior to "Unfavorable Behavior" on all score forms.

Subsection 3375.4(a)(1) is renumbered from (b)(1) and is amended to replace the word "credits" with "points" for the reasons previously cited.

Subsections 3375.4(b)(2)(A), (B), (C) are repealed. Favorable points will no longer be given for continuous dormitory living for the reasons previously cited.

Subsection 3375.4(a)(2) is renumbered from (b)(3) and is amended to replace the word "credits" with "points" for the reasons previously cited. Remaining language is deleted as it is confusing and conflicts with the revised language explaining the review period dates on the revised forms.

Subsection 3375.4(a)(3) is renumbered from (b)(4) and is amended to replace the word "credits" with "points" for the reasons previously cited. Changes reflect clarifying language. The example given "such as an inmate who is unassigned for medical reasons" has confused caseworkers for years. Using this example poses many problems for determining whether or not the inmate is entitled to the points. The rule can be applied correctly with the language provided without using this example.

Subsection 3375.4(b) is renumbered from (a) and is amended to explain "Unfavorable Behavior Since Last Review" instead of "Favorable Behavior Since Last Review," to be consistent with the order of the section on the revised forms.

Subsection 3375.4(b)(1) is renumbered from (a)(1) is amended to revise the number of points assessed for a serious disciplinary. A key premise of the pilot project is that the best predictor of misconduct in future behavior is recent prior behavior. The existing system does not discriminate well between felonious or violent misconduct and less serious misconduct. The existing system assigns six points for each serious disciplinary regardless of the level of seriousness. The revised forms have been tested with an escalating scale related to the seriousness of the misconduct. The revisions to the language in this section describe the appropriate number of points to be given based on the Division for which the inmate was found guilty as cited in CCR Section 3323, Disciplinary Credit Forfeiture Schedule.

Subsection 3375.4(b)(1)(A) is renumbered from (a)(1)(A) and is unchanged.

Subsection 3375.4(b)(1)(B) is renumbered from (a)(1)(B) and is amended to renumber the subsection from (a) to (b). The Escape factor was removed from the list of offenses and resulted in the renumbering. As previously cited, the score factor for Escape has been shown to be ineffective in predicting in-custody misconduct and is therefore being deleted. Because the incidence of Escape is so rare, its correlation to future in-custody misconduct could not be established. For this reason, score factors related to Escape are deleted. The Mandatory Minimum Process and the Administrative Determinant process are used to prevent this.

Existing subsections 3375.4(a)(2)(A) and (a)(2)(B) are repealed. The Escape factor is removed from this list of offenses for the reasons previously cited.

New subsections 3375.4(b)(2) and (b)(2)(A) are renumbered from (a)(3) and (a)(3)(A) and are amended to be consistent with the changes included in Section 3375.3(b)(4)(C) regarding Unfavorable Prior Behavior.

Subsection 3375.4(a)(2)(B) is repealed. This section is being repealed this rule no longer applies. Battery is now covered in subsection 3375.4(b)(2) and (b)(2)(A).

Subsection 3375.4(b)(3) is renumbered from (a)(4) and is amended to replace "physical assault" with "battery" for the reasons cited. "Attempted battery" is added to this subsection. This amendment is made to be consistent with the list of offenses in Section 3375.3, Unfavorable Prior Behavior, Attempted Battery on an Inmate, for which an inmate is given unfavorable points.

Subsection 3375.4(b)(4) is renumbered from (b)(5) and is amended to use the same language as Section 3323, for consistency.

Subsections 3375.4(b)(5) and (b)(6) are renumbered from (a)(6) and (a)(7) respectively and are amended to include corresponding form box numbers.

Subsection 3375.4(b)(7) and (7)(A) are renumbered from (a)(8) and (a)(8)(A) and are amended to make the definition clear and consistent. Section 3000 already defines Serious Injury. Any further definition here may lead to confusion and misapplication.

Subsection 3375.4(b)(7)(B) is renumbered from (a)(8)(B) and is amended to replace "assault" with "batter" for reasons previously mentioned.

Existing subsections 3375.4(c) and (c)(1) are renumbered to subsection 3375.4(h).

Existing subsection 3375.4(c)(2) is renumbered to (g).

New subsection 3375.4(c) is adopted to define score adjustment. The new score adjustment area was created to account for the total value (whether positive or negative) of all corrections that had to be made on prior score sheets. Instead of the labor-intensive method that is used in the current score system, a new method was created that allows the caseworker to total the points and enter them in the boxes provided. That score is then included in the total score. The current system requires one correction document to be prepared for each correction. For example, if a correction is made to a score sheet, but five score sheets were prepared since that time, then a total of six correction documents must be prepared. Not only is the current process very time consuming, labor intensive and lends itself

to create more errors, these corrections also “change history” in the database. Changing history, in effect, paints a false picture of what occurred at that point in time. The primary purpose of the correction is to record the correct total score for the inmate. The new score adjustment process does that.

Existing subsection 3375.4(d) is renumbered to new subsection 3375.4(k).

Subsection 3375.4 (d) is adopted to define prior preliminary score. The current Classification Score System provides for one classification score. However, the proposed revisions to the score system uses three scores. The calculated score (or total score based on calculated weights of the variables), a mandatory minimum score and a placement score. For purposes of updating the inmate’s score for reclassification, the beginning score is the prior preliminary score. This score could be the most current calculated score from the CDC Form 839 (preliminary score), the most current calculated score from the CDC Form 840 (new preliminary score) or the most current calculated score from the CDC Form 841 (new preliminary score).

Subsection 3375.4 (e) is adopted to define net change in behavior score. The net change in behavior score is the same total as identified in the current regulations CCR 3375.4(c) as recalculation of the classification score except that it now includes the Score Adjustment value, if any.

Subsection 3375.4 (f) is adopted to define preliminary score subtotal. This line is provided for ease of calculation of the subtotal and requires that the subtotal cannot be less than zero. This subtotal is then added to, or subtracted from, any change in term points. The current score system fails to effectively account for changes to the term points. Because the current system has no subtotal that does not fall below zero, behavior points in the total calculation of the score may absorb any change in term points.

Subsection 3375.4(g) is renumbered from (c)(2) and is amended to include changes to the rules of application for Change in Term Points. The new point value for each year of difference in the inmate’s total term is now two points per year. This rule is made to be consistent with the original base calculation of the value of the inmate’s total term on the CDC Form 839. The new score factor name "New Preliminary Score." This replaces "classification score."

Subsection 3375.4(g)(1) is renumbered from (c)(2)(A) and is amended to remove parole violators they are now covered on the new CDC Form 841.

Subsection 3375.4(g)(2) is renumbered from (c)(1)(B) and is amended to include that when an inmate receives a new or additional sentence to prison, which changes the total term length, then two points shall be added or subtracted for each year of difference. In addition, this section removes the instructions to “subtract one year from the total term length and multiply by three,” as this no longer applies.

Subsection 3375.4(g)(3) is renumbered from (c)(1)(C) and is amended to include that if a parole violator receives a new term after the CDC Form 841 has been endorsed, the prior term points shall be given a minus value and combined with the new term points and the difference is then the change in term points.

Subsection 3375.4(g)(4) is renumbered from (c)(1)(D) and is amended to remove the clause that states that a concurrent new term shall not change term points. This is being replaced with a statement that includes that staff is not to record a change in term points unless there is a change in the total term. This change is being made for clarity purposes.

Subsection 3375.4(h) is renumbered from (c) and (c)(1) and amended to replace "classification" with preliminary, to include corresponding box numbers and to remove some language that references incorrect subsections due to the renumbering of Section 3375.4. This section now states that the new preliminary score is the result of combining the preliminary score subtotal and any adjustments resulting from a change in term points.

Subsection 3375.4(i) is adopted to define when and how the Mandatory Minimum Score is applied to an inmate's score. The addition of the Mandatory Minimum Score process to the Inmate Classification Score System ensures that the Placement Score for an inmate with specific case factors will not fall below the threshold for the necessarily secure level. In the current Classification Score System, classification score alone does not dictate the security level to which an inmate will be assigned. Case factors may require placement inconsistent with the inmate's classification score. This is an Administrative Placement ("override" or "out-of-level placement") as described in Section 3375.2. The Mandatory Minimum Score process was tested in the pilot project and found to be effective in reducing the number of specific, permanent Administrative Placement codes applied to the inmates in the pilot project. This new procedure changes the way that some Administrative Placements are characterized, but does not alter the placement of any individual inmate.

Subsection 3375.4(j) is adopted to define the placement score as it relates to an inmate's placement within the Inmate Classification Score System. The placement score will be the score calculated from the inmate's Background Factors and the inmate's Prior Incarceration Behavior unless a Mandatory Minimum Score Factor has been applied that requires placement at a higher security level. The Placement Score will be the score that is used by the endorsing authority to determine an inmate's housing within the Department.

New subsections 3375.4(k) is renumbered from (d) and is amended to include the types of endorsing authorities that apply to this section.

Existing subsections 3375.4(d)(1) and (d)(1)(A) are repealed in order to include language that is consistent with CCR 3375.3(d).

New subsections 3375.4(k)(1) through (k)(3) are renumbered from (d)(1)(B) and (d)(1)(C) and are amended to read consistently with the language already define in CCR 3375.3(d).

The following information shall also be recorded for each inmate on the CDC 840, Reclassification Score Sheet, by casework staff:

- The Identifying Information section documents:
 - The inmate's last name, CDC number, the date that the caseworker is preparing the score sheet, and the reason for preparing the score sheet. This provides identification for the inmate's hard-copy central file as well as the Classification Tracking System (CTS) database.

- The date of the last score sheet. This information is needed for tracking purposes to make sure that the most current score is carried forward to the new score sheet.
- The Annual/6 Month Review Period Dates section documents:
 - The dates to be used to evaluate the application of favorable behavior points.
- Special Case Factors section documents
 - The status of a felony or United States Immigration and Naturalization Service (USINS) hold at the time of the committee decision.
 - A restricted custody suffix (or "R" suffix). This indicates the presence of a sex offense in the inmate's case factors.
 - Restitution Center eligibility status. This information is not currently automated. Documenting those inmates who are eligible for placement in a Restitution Center per Penal Code (PC) Section 6258.1 shall provide the department with the ability to generate reports to identify inmates who may be suitable for placement in a Restitution Center.
 - The caseworker's recommendation for placement of an inmate referred for Level IV housing. The caseworker shall indicate whether or not the inmate should be considered for exclusion from a 270-design Level IV institution, and placed in a 180-design Level IV institution, based on current departmental guidelines.
 - The inmate's response when asked if he or she has served in the US Military and was honorably discharged. The CDC is cooperating with the United States Department of Veterans Affairs (USDVA) in identifying persons who have honorably served our nation in the military. This is a one time only entry. The CDC is not required to verify or confirm the inmate's veteran status. Reports shall be provided to the USDVA for their use.
 - The inmate's county of last legal residence. This information is not currently automated and will provide the department with statistical information. If it has already been entered on the CDC 839 or CDC 841, it need not be entered again.
 - The inmate's current institution and facility, and the name of the caseworker preparing the score sheet.
- The Classification Staff Representative section documents program eligibility information for purposes of population management and tracking:
 - The CSR or endorsing authority's last name and the date that the action is being taken.
 - The decision by the CSR to approve the inmate for housing in a 180-design Level IV institution and the reason supporting the decision.
 - The inmate's eligibility or ineligibility for placement in a Minimum Support Facility (MSF). When the inmate is not suitable for MSF placement, the reason shall be documented.
 - Whether an inmate who is eligible for placement in a Community Correctional Reentry Center (CCRC) wants to participate or not.
 - The inmate's Developmental Disability Program status as noted on the most recent CDC 128-C-2
 - The inmate's Disability Placement Program status as noted on the CDC Form 1845.
 - The inmate's Level of Care in the Mental Health Services Delivery System (MHSDS) at the time of endorsement.
 - The institution and/or program and security level approved for the inmate.

3375.5 CDC Readmission Score Sheet, CDC Form 841, Calculation is adopted.

The CDC Form 841 has been created to effectively identify and score all inmates who are returned from parole. These inmates are currently scored on a CDC Form 840. The CDC Form 840 is primarily a reclassification document and does not easily accommodate scoring inmates who are returned to CDC from parole status either as a Parole Violator or a Parole Violator Returned to Custody.

The procedure for calculating the classification score review periods for parole violators was revised. Therefore, a new area of the pilot CDC Form 840 was tested called the "Readmission Review Period Calculation." Under the current system, inmates returning as parole violator require a rather complex set of calculations to address periods of review at the end of the previous incarceration that were not addressed prior to parole. For instance, an inmate may receive a regular six-month review several months prior to parole. Upon return, those months between the last review and the date of parole have not been addressed on a score form. In some cases there may be full six-month review periods unaccounted for.

The current system calls for counseling staff to combine partial review periods prior to parole, with time at the beginning of the new incarceration, to equal six months. For example, under current procedures, an inmate who received a six-month review three months prior to parole will not receive the first reclassification score update until he or she has been back in prison for an additional three months. At that time, the behavior documented during the last three months of the previous incarceration is evaluated along with the behavior from the first three months of the new incarceration. The combined evaluation covers one full six-month period of incarceration. Because this process is difficult to administer, significant changes have been made.

Under the new rules of application, all behavior that occurred before parole and is unaccounted for is accounted for during reception processing. New six-month review periods start on the day of arrival at the reception facility. In order to accomplish this, the CDC Form 841 has a section where the Reception Center staff document any period of time during the previous incarceration that was not recognized on a previous score sheet. This may include full six-month review periods, a partial review period, or a combination of both. All of this unrecognized time will be updated on the CDC Form 841. In regard to periods of unrecognized time of less than six months, the inmate will receive one-half the number of points for positive behavior. For periods of six months, points will be awarded for positive behavior. Points will always be assessed at full value for serious disciplinary behavior. This process, in effect, "closes out" the prior period of incarceration by granting favorable points for both full review periods and partial review periods. This new process will significantly simplify the system for counseling staff and reduce errors.

The Violent Felon Identification Program staff, prior to implementing the pilot project, decided beforehand not to create a CDC Form 841 for the Readmission Review Period Calculation. Because this was a research project, each score form required a second score form to be prepared as a "research score." Therefore, instead of having the 8 score forms that we used for the pilot project, we would have had 12 score forms. This would have created an undue hardship on field staff and would have been overly complex. Instead, the Readmission Review Period Calculation was included on the CDC Form 840.

When considering the implementation of the new score sheets, however, it was decided that the scoring of the inmates who are returned to prison as Parole Violator and Parole Violator with New Terms will be less confusing if the Readmission Review Period Calculation was included on a separate score form.

Subsection 3375.5(a) is adopted to include language that is consistent with Section 3375.4(a) regarding the “favorable behavior since last review” section. For consistency purposes we have chosen not to deviate from the existing language because this section serves the same purpose as Section 3375.4(a) except it is evaluating only inmates returning to CDC custody.

Subsection 3375.5(b) is adopted to include language that is consistent with Section 3375.4(b) regarding the “unfavorable behavior since last review” section. For consistency purposes we have chosen not to deviate from the existing language because this section serves the same purpose as Section 3375.4(b) except it is referring to parole violators instead of evaluating only inmates returning to CDC custody.

Subsection 3375.5(c) is adopted to define score adjustment. The new score adjustment area was created to account for the total value (whether positive or negative) of all corrections that had to be made on prior score sheets. Instead of the labor-intensive method that is used in the current score system, a new method was created that allows the counseling staff to total the points and enter them in the boxes provided. That score is then included in the total score. The current system requires one correction document to be prepared for each correction. For example, if a correction is made to a score sheet, but five score sheets were prepared since that time, then a total of six correction documents must be prepared. Not only is the current process very time consuming, labor intensive and lends itself to create more errors, these corrections also “change history” in the database. Changing history, in effect, paints a false picture of what occurred at that point in time. The primary purpose of the correction is to record the correct total score for the inmate. The new score adjustment process does that.

Subsection 3375.5 (d) is adopted to define prior preliminary score. The current classification score system provides for one classification score. However, the proposed revisions to the score system uses three scores. The calculated score (or total score based on calculated weights of the variables), a mandatory minimum score and a placement score. For purposes of updating the inmate’s score for reclassification, the beginning score is the prior preliminary score. This score could be the most current calculated score from the CDC Form 839 (preliminary score), the most current calculated score from the CDC Form 840 (new preliminary score) or the most current calculated score from the CDC Form 841 (new preliminary score).

Subsection 3375.5(e) is adopted to define net change in behavior score. The net change in behavior score is the same total as identified in the current regulations CCR 3375.4(c) as recalculation of the classification score. The current CDC Form 840 identifies this recalculation as net change in behavior score also.

Subsection 3375.5(f) is adopted to define the preliminary score subtotal. This line is provided for ease of calculation of the subtotal and requires that the subtotal cannot be less than zero. This subtotal is then added to, or subtracted from, any change in term points. The current score system fails to effectively account for changes to the term points. Because the

current system has no subtotal that does not fall below zero, behavior points in the total calculation of the score may absorb any change in term points.

Subsection 3375.5(g) is adopted to define the change in term points. The new point value for each year of difference in the inmate's total term is now two points per year. This rule is made to be consistent with the original base calculation of the value of the inmate's total term on the CDC Form 839.

Subsection 3375.5(h) is adopted to define the new preliminary score. As previously cited, the language is amended to include the new score factor name "New Preliminary Score." This replaces "classification score." "Points" replaces "credits" for the reasons previously cited. In addition, this amendment has included that when a parole violator receives a new term after the Form 841 has been endorsed, the prior term points shall be given a minus value and combined with the new term points. The difference is the change in term points.

Subsection 3375.5(i) is adopted to define when and how the Mandatory Minimum Score is applied to an inmate's score. The addition of the Mandatory Minimum Score process to the inmate classification score system ensures that the Placement Score for an inmate with specific case factors will never fall below the threshold for the necessarily secure level. In the current classification score system, classification score alone does not dictate the security level to which an inmate will be assigned. Case factors may require placement inconsistent with the inmate's classification score. This is an Administrative Placement ("override" or "out-of-level placement") as described in Section 3375.2. The Mandatory Minimum Score process was tested in the pilot project and found to be effective in reducing the number of specific, permanent Administrative Placement codes applied to the inmates in the pilot project. This new procedure changes the way that some Administrative Placements are characterized, but does not alter the placement of any individual inmate.

Subsection 3375.5(j) is adopted to define the placement score as it relates to an inmate's placement within the Inmate Classification Score System. The placement score will be the score calculated from the inmate's Background Factors and the inmate's Prior Incarceration Behavior unless a Mandatory Minimum Score Factor has been applied that requires placement at a higher security level. The Placement Score will be the score that is used by the endorsing authority to determine an inmate's housing within the Department.

Subsection 3375.5(k) is adopted to include language that is consistent with Section 3375.4(k) regarding the "Classification Staff Representative Action" section. For consistency purposes we have chosen not to deviate from the existing language because this sections serves the same purpose as Section 3375.4(k) except it is referring to parole violators.

The following information shall also be recorded for each inmate on the CDC 841, Readmission Score Sheet, by casework staff:

- The Identifying Information section documents:
 - The inmate's last name, CDC number, the date the inmate was re-received in the department as a parole violator, and the reason for preparing the score sheet. This provides identification for the inmate's hard-copy central file as well as the Classification Tracking System (CTS) database.

- The date of the last score sheet. This information is needed for tracking purposes to make sure that the most current score is carried forward to the new score sheet.
- The inmate's county of last legal residence. This information is not currently automated and will provide the department with statistical information. This records the inmate's current county of last legal residence and may be different than the county of last legal residence recorded on a previous score sheet.
- The Readmission Review Period Calculation section documents:
 - The dates to be used to evaluate the application of favorable behavior points. The inmate is given favorable behavior points for the period of time from the last classification score adjustment prior to the most recent parole date.
- Special Case Factors section documents
 - The status of a felony or United States Immigration and Naturalization Service (USINS) hold at the time of the committee decision.
 - A restricted custody suffix (or "R" suffix). This indicates the presence of a sex offense in the inmate's case factors.
 - Restitution Center eligibility status. This information is not currently automated. Documenting those inmates who are eligible for placement in a Restitution Center per Penal Code (PC) Section 6258.1 shall provide the department with the ability to generate reports to identify inmates who may be suitable for placement in a Restitution Center.
 - The caseworker's recommendation for placement of an inmate referred for Level IV housing. The caseworker shall indicate whether or not the inmate should be considered for exclusion from a 270-design Level IV institution, and placed in a 180-design Level IV institution, based on current departmental guidelines.
 - The inmate's response when asked if he or she has served in the US Military and was honorably discharged. The CDC is cooperating with the United States Department of Veterans Affairs (USDVA) in identifying persons who have honorably served our nation in the military. This is a one time only entry. The CDC is not required to verify or confirm the inmate's veteran status. Reports shall be provided to the USDVA for their use.
 - The inmate's status at the time of return to the reception center, either as a Parole Violator Returned to Custody (PVRTC) or as a Parole Violator With a New Term (PVWNT).
 - The inmate's current institution and facility, and the name of the caseworker preparing the score sheet.
- The Classification Staff Representative section documents program eligibility for purposes of population management and tracking:
 - The CSR or endorsing authority's last name and the date that the action is being taken.
 - The decision by the CSR to approve the inmate for housing in a 180-design Level IV institution and the reason supporting the decision.
 - The inmate's eligibility or ineligibility for placement in a Minimum Support Facility (MSF). When the inmate is not suitable for MSF placement, the reason shall be documented.
 - Whether an inmate who is eligible for placement in a Community Correctional Reentry Center (CCRC) wants to participate or not.
 - The inmate's Developmental Disability Program status as noted on the most recent CDC 128-C-2

- The inmate's Disability Placement Program status as noted on the CDC Form 1845.
- The inmate's Level of Care in the Mental Health Services Delivery System (MHSDS) at the time of endorsement.
- The institution and/or program and security level approved for the inmate.

3377. Facility Security Levels.

Subsection 3377 is amended to replace "classification" level with "security" level. This language is adopted to reflect the current use of "security level" as it relates to the differences in the physical plant of institutions within the department. "Classification level" is not the term used statewide to define levels of security for institutions.

TECHNICAL, THEORETICAL, AND OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS:

The design and implementation of the multi-year research study that the Department has relied upon in writing these regulations was conducted with the assistance of Richard A. Berk, Ph.D., University of California, Los Angeles, Statistical Consulting Center and the study is entitled, "A Randomized Experiment Testing Inmate Classification Systems", dated April 29, 2002.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES:

The Department has initially determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS:

The Department has initially determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

EVIDENCE SUPPORTING FINDINGS OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS:

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.